

REMARKS

Introduction

Applicants acknowledge receipt of a non-final Office Action dated August 24, 2006. In the Action, the claims are rejected for allegedly being directed to non-statutory subject matter, and for anticipation and obviousness reasons.

Applicants respectfully request reconsideration in view of the foregoing amendments and remarks presented below.

Status of the Claims

In this response, Applicants amended claims 10-18, canceled claim 19, and added new claims 52- 60. Support for the amended claims can be found in original claim 5 (claims 10-17) and original claim 19 (claim 18). Support for the new claims can be found in original claim 1 (claims 52-53), claims 3-7 and 9 (claims 54-58), paragraph [0039] of the originally filed specification (claim 59), and original claim 19 (claim 60). Accordingly, the amendments to claims 10-18 and the presentation of new claims does not constitute new matter.

Upon entry of this amendment, claims 10-18 and 52-60 will be under examination.

Rejections Under 35 U.S.C. § 101

In the Office Action, claims 18 and 19 are rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Office Action at 2-3. Applicants respectfully traverse this ground for rejection.

In the interest of expediting prosecution, and without acquiescing to the Examiner's rejection, Applicants amended claim 18 so as to specifically recite a bacterial, viral, yeast, or fungal cell, and canceled claim 19. Applicants trust that these amendments address the Examiner's concerns.

Rejections Under 35 U.S.C. §§ 102 and 103

Claims 10-12 and 17-20 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Xiao *et al.* *J. Virol.* 171: 941-948, 1997 (hereinafter, "Xiao") and claims 13-16 are rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of Xiao. Office Action at 3-4. Applicants respectfully traverse these grounds for rejection.

The presently pending claims are directed to a composition that comprises a plasmid and at least one nuclear localization signal peptide. Xiao, however, does not disclose a composition comprising a plasmid and at least one nuclear localization signal peptide. Accordingly, Xiao can neither anticipate nor render the presently claimed invention obvious. As such, Applicants respectfully the present rejections be withdrawn.

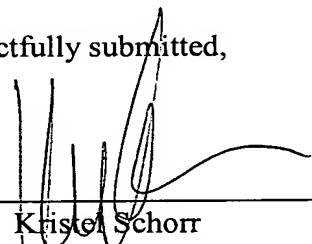
CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

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Respectfully submitted,

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